THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12709 of 2007

Dated:19.06.2007

Between:

Mallapragada Lakshmi Kalyani and others.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12709 of 2007

ORDER:

The petitioners, who are nineteen in number, allegedly purchased house sites admeasuring about 500 square yards to about 200 square yards in various subdivision numbers of Survey No.774 situated at Yerrabalem Village of Nauluru Revenue Village of Mangalagiri Mandal in Guntur District, under registered sale deeds on different dates. They allege that their vendors have a valid marketable title, and after verifying the link documents, the petitioners purchased the properties. They also assert that their house sites are comprised in various subdivisions of Survey No.774, which is not an assigned land. They filed the instant Writ Petition alleging that the Mandal Surveyor and his subordinates surveyed for localizing the land with a view to dispossess the petitioners under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007. It is their contention that as they are *bona fide* purchasers of subject land, they cannot be evicted from the land. They also alternatively contend that even if they are in possession of the land in contravention of the provisions of the Act and the Rules, a notice has to be issued in Form-II to those persons in occupation of the assigned lands. Therefore, they seek a relief of declaration and direction to the respondents.

A perusal of the affidavit accompanying the Writ Petition, especially, paragraphs 6 and 7 would show that the petitioners made

vague allegations regarding cause of action. Be that as it is, as the learned Assistant Government Pleader does not dispute the legal position, this Court observes that unless and until Form-II notice is issued as per the provisions of the Rules and necessary action is taken against the petitioners, the respondents cannot evict the petitioners.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

19.06.2007
vs